



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

### **Request for Variance**

**Richard Raisanen Revocable Trust/Tax Map 168, Lot 18**

**October 5, 2011**

**Applicant:** Richard Raisanen Revocable Trust  
C/o Richard & Suzanne Raisanen, Trustees  
PO Box 748  
Nashua, NH 03061-0748

**Location:** 34 Knoll Point Drive, Moultonborough, NH (Tax Map 168, Lot 18)

On September 21, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of the Richard Raisanen Revocable Trust (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B) (3) to permit the construction of an 18' x 24' addition to the NW wall of the existing residence, which will result in a portion of the structure being located within the required 20' sideline setback located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 34 Knoll Point Drive (Tax Map 168, Lot 18).
- 2) The applicant is a co-owner of record for the lot.
- 3) The applicants were represented at the Public hearing by Dan Ellis of Ames Associates.
- 4) The applicant (Mr. Raisanen) waived his right to a five-member Board, there being only four (4) members present for the meeting.
- 5) The lot is located in the Residential Agricultural (RA) Zoning District.
- 6) The side setback for the parcel is twenty (20) feet from the property line.
- 7) The Lot was created in 1977, and the existing single family dwelling was constructed in 2000.
- 8) The proposed addition is an 18' x 24' family room and a patio with pergola, that will be will approximately six (6) feet from the Lot line at its closest point.

- 9) Board members questioned the area of square footage of the proposed non-conforming area of both the patio and family room. Mr. Ellis and Mr. Raisanen calculated it to be approximately 400 sq. ft.
- 10) No members of the public wished to speak on the application.
- 11) Granting the Variance would not be contrary to the public interest as the direct abutter's who would be affected by the project have given written consent, and a thick vegetative buffer exists between these properties, screening the project from view.
- 12) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the ordinance is to provide reasonable privacy between abutting property owners, and there is a significant vegetated buffer existing between the subject property and abutting lots.
- 13) By granting the Variance, substantial justice is done.
- 14) Granting the Variance would not diminish the value of surrounding properties as the proposed addition will be visually-pleasing and in keeping with the aesthetics of the current structure.
- 15) Special conditions do not exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship. The applicant is proposing to construct an addition with a portion to be located within the setbacks. As such, the applicant would be creating the hardship without adequately demonstrating that there were no alternative options.
- 16) The Zoning Board of Adjustment voted by a vote of three (3) in favor (Stephens, Hopkins, Crowe), and one (1) opposed (Heal) to continue the Public Hearing to October 5, 2011, and to direct Town Staff to draft a Notice of Decision to Deny the variance, to be reviewed by the Board at the October 5, 2011 Regular Meeting.

The Public Hearing was continued to October 5, 2011. The Board of Adjustment closed the Public Hearing on October 5, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Hopkins, Crowe), none (0) opposed, to **DENY** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

---

Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_